



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

Dear Fisheries Constituent:

This letter is to inform you of the procedure to apply for an Exempted Fishing Permit (EFP) to conduct experiments in the area of authority of the New England and the Mid-Atlantic Fishery Management Councils. [Regulations requiring this review and approval of EFP's became effective on June 27, 1996.](#)

An EFP is required by Federal regulations for limited testing, public display, data collection, exploration, health and safety, environmental cleanup, and/or hazard removal, if targeting or incidentally harvesting species managed under a fishery management plan or fishery regulations, or if an exemption to an activity that would otherwise be prohibited is required.

**To apply for an EFP, applicants must submit an application 60 days before the desired effective date of the EFP. Submission of an EFP application less than 60 days before the desired effective date of the EFP may result in a delayed effective date.**

An application for an EFP must contain the following information:

- 1) The date of the application.
- 2) The applicant's name, mailing address, and telephone number.
- 3) A statement of the purposes and goals of the experimental fishery for which an EFP is needed, including justification for the issuance of the EFP.
- 4) For each vessel to be covered by the EFP (as soon as the information is available - and before operations begin under the EFP):
  - A) If Federally permitted, the name and U.S. Coast Guard documentation or state registration number of the vessel.
  - B) If not Federally permitted, 1) a copy of the U.S. Coast Guard documentation, state license, or registration of each vessel, or the information contained on the appropriate document, and 2) the current name, address, and telephone number of the owner and master, if not included on the document provided for the vessel.
- 5) The species (target and incidental) expected to be harvested under the EFP, the amount(s) of such harvest necessary to conduct the experimental fishing, the arrangements for disposition of all regulated species harvested under the EFP, and any anticipated impacts on marine mammals or endangered species.
- 6) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.
- 7) The signature of the applicant.



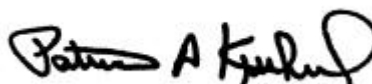
- 8) **The Regional Administrator may request from the applicant additional information necessary to make the determinations required to approve an EFP. An incomplete application will not be considered until completed in writing.**

After a review of the information is completed, the applicant will be informed of the preliminary evaluation which will determine whether or not the application warrants further consideration. If the application warrants further consideration, notification will be published in the Federal Register and an opportunity for the public to comment on the proposal will be afforded. Once comments have been evaluated, the applicant will be notified in writing of the decision to deny or grant the EFP. If approved, the applicant will be issued a permit to conduct operations described in the application.

Please send applications to: Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930. If you have any questions regarding exempted fishing activities or the permitting requirements associated with them, please call Bonnie Van Pelt of my staff at (978) 281-9244.

The Office of Management and Budget (OMB) requires potential respondents for an EFP to be notified of certain information regarding their rights and the burden associated with applying for an EFP. This information is provided in the following attachment.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized with a large, looped "P" and "K".

Patricia A. Kurkul  
Regional Administrator

Attachment:

Exempted fishing permits are required for any vessel conducting fishing activity that would be prohibited under existing fishery regulations. Exempted fishing permits and programs serve several purposes. They offer flexibility to the fishing industry, reduce effort on depressed stocks by allowing vessels to concentrate on the less depleted stocks, and encourage innovation and efficiency in the fisheries.

The information collected as part of this application will allow NMFS to review the information and issue exempted fishing permits with consistency. It also insures that activities conducted within a fishery under protective management are not detrimental to that fishery and that activities are consistent with the goals, objectives, and requirements of a fishery management plan.

Appropriate comment on possible exempted fishing activities is provided by notifying the public and related agencies of the possible activities. In addition, reports submitted at the completion of approved exempted fishing activities will allow NMFS and related agencies to consider possible management schemes in existing fisheries and prosecution of alternative fisheries.

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**PRIVACY ACT STATEMENT:** Under the provisions of the Privacy Act of 1974 (Public Law 93-579), no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

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**BURDEN STATEMENT:** The information requested for exempted fishing permits is approved under OMB Control #0648-0309, and is approved for use through 3/31/02. Public reporting burden for this collection of information is estimated: (1) To average 1 hour per response to complete an application for an exempted fishing permit; and (2) to average 1 hour per response to collect information and provide a report at the conclusion of exempted fishing activity. Send comments regarding this burden estimate or suggestions for reducing the burden to: Bruce Morehead, Acting Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

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Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number.